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AUG 23 2005

In re Application of
Hideki Yamao
Application No. 09/526,391
Filed: March 16, 2000
For: **PORTABLE TELEPHONE
MAINTENANCE SERVICE SYSTEM AND
MAINTENANCE SERVICE METHOD**

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600
**DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT**

This is a decision on the Petition To Withdraw Holding of Abandonment July 21, 2005, pursuant to MPEP § 711.03(c) and 37 C.F.R. § 1.181. No fee is required.

This application became abandoned due to failure to timely file the a response to the final Office action mailed December 29, 2004. A Notice of Abandonment was mailed July 19, 2005.

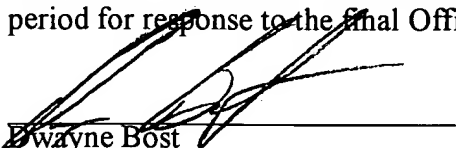
Petitioner asserts that the final Office action mailed December 29, 2004 was never received. In support thereof, petitioner has provided a personal statement, copy of docket records and a copy of their file jacket information.

The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating that the Office communication was not received by the Practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received", 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c), section II. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

Petitioner has satisfied the requirements set forth above. Accordingly, the petition is **GRANTED.**

The holding of Abandonment is hereby withdrawn.

The application will be forwarded to the Technology Center's technical support staff for entry of the change of address submitted with the subject petition and re-mailing and restart the time period for response to the final Office action originally mailed December 29, 2004.


Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications